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June 11, 2014

**BY ECF**

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street, 8th Floor Mailroom  
New York, New York 10007

Re: **United States v. Bonventre, et al., 10 Cr. 228 (LTS)**

Dear Judge Swain:

We represent George Perez in the above matter. We write to respectfully request that the Court order the Government to provide to us a copy of the PowerPoint slides used in its rebuttal summation, so that we may include those slides as an Exhibit to Mr. Perez's June 6, 2014, Reply Memorandum, and, further, so that the slides may be properly made part of the record for all further proceedings in this matter. As explained below, we have previously sought the Government's assistance in this regard, to no avail. Accordingly, due to the Government's lack of cooperation, we must now seek this Court's assistance, as a last resort.

By way of background, on Friday, May 30, 2014, we sent an email to U.S. Attorneys Matthew Schwartz, John Zach, and Randall Jackson, requesting that they provide us with a copy of the PowerPoint slides used in the Government's rebuttal summation. Indeed, we advised the U.S. Attorneys that our request was made due to our intention to use the rebuttal slides as an exhibit to Mr. Perez's Reply Memorandum, which was due to be filed the following week, on June 6, 2014. On Wednesday, June 4 – five days after our initial request, and a mere two days before the filing deadline – we finally received a response from AUSA Schwartz stating that, “[w]e agree that it makes sense for the slides from all of the jury addresses to be made part of the record. If you all [meaning, all defense counsel] send us your slides, we’re happy to put that together.”

That same day (June 4), we responded to AUSA Schwartz via email, advising him of our position and the imminence of our request:

[Our] request was not made on behalf of the other defendants, so you will have to talk to them about their slides (none of which are in issue in the post-trial motions in any event). [Mr. Perez's] brief

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is currently due this Friday, and I would like to include the Government's rebuttal slides as an exhibit. I would appreciate a yes or no answer as to whether you will provide them to me. I am happy to provide you with my slides as well, which you are free to make a part of the record on your own.


Additionally, we sent a follow-up email to AUSA Schwartz – again, that same day (June 4) – attaching a copy of the PowerPoint slides used in Mr. Perez's summation, and again requesting from AUSA Schwartz: "When you have a moment, can you please let us know if you will be able to provide your slides to us in time for our filing on Friday?"

Regrettably, not only did AUSA Schwartz demonstrate complete disregard for our filing deadline by failing to timely respond – *even with a "yes" or "no"* – before June 6, but he has – to date – simply failed to respond to us *at all* regarding this request. Indeed, we find no proper basis for the Government's withholding of this material, and thus are left with no option but to seek this Court's assistance.

Unfortunately, while the Government's failure to respond has precluded us from attaching the slides as an exhibit to Mr. Perez's Reply Memorandum in time for our original deadline – which we indeed met by filing last week – we nonetheless make an application to the Court for their production at this time. Specifically, we respectfully request that the Court order the Government to produce the slides used in its rebuttal summation so that they be made part of our Reply Papers for the record.<sup>1</sup> Furthermore, we respectfully request that the Court grant us permission to include the slides as an Exhibit to our June 6th Reply Memorandum, previously filed.

We thank the Court for its consideration of this letter.

Sincerely,



Kimberly Yuhas

cc: All Counsel

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<sup>1</sup> As explained above, to the extent the Government wishes to make all slides used by defense counsel part of the record, we have already provided AUSA Schwartz with a copy of the slides used in Mr. Perez's summation.